

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CAPSTONE CAPITAL GROUP, LLC, and
CAPSTONE CREDIT, LLC,

Plaintiffs,

- against -

PRIDE OLEO MEXICANA, S.A. DE C.V.,

Defendant.

ORDER OF DEFAULT

21 Civ. 1636 (PGG)

PAUL G. GARDEPHE, U.S.D.J.:

The Complaint was filed on February 24, 2021. (Dkt. No. 1) Defendant Pride Oleo Mexicana, S.A. de C.V. filed an answer on April 10, 2021 through its then-counsel Federico Andino Reynal. (Dkt. No. 13)

On May 13, 2021, the Court granted Reynal's motion to withdraw as counsel for Defendant Pride Oleo Mexicana. (Dkt. No. 22) In granting that motion, the Court stated that “[i]n the event that no lawyer ha[d] filed a notice of appearance for Defendant Pride Oleo Mexicana by [June 12, 2021], the Court [would] entertain a motion for default judgment as to that Defendant.” (Id.)

No counsel has filed a notice of appearance on behalf of Defendant Pride Oleo Mexicana in this matter. (See Certificate of Default (Dkt. No. 45) at 2)

On September 15, 2021, the Court ordered Defendant Pride Oleo Mexicana to show cause in writing by October 12, 2021 why a default judgment should not be entered against it, and scheduled a hearing for October 26, 2021. (Dkt. No. 50) The Court subsequently adjourned the hearing on the Order to Show Cause to November 9, 2021. (Dkt. No. 54)

Plaintiffs served the Order to Show Cause and Plaintiffs' motion for a default judgment on Defendant Pride Oleo Mexicana on September 17, 2021. (See September 17, 2021 Declaration of Service (Dkt. No. 51) ¶ 2)

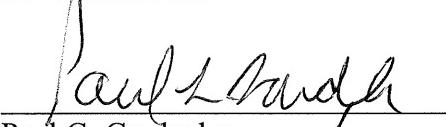
Defendant Pride Oleo Mexicana filed no response to the Court's Order to Show Cause or Plaintiffs' motion for a default judgment, and no counsel for Defendant Pride Oleo Mexicana appeared at the November 9, 2021 hearing.

Accordingly, an order of default is entered against Defendant Pride Oleo Mexicana, S.A. de C.V., and this matter is referred to Magistrate Judge Katharine H. Parker for a report and recommendation regarding Plaintiffs' request for damages, and an award of costs and attorneys' fees.

The Clerk of Court is directed not to close this case.

Dated: New York, New York
November 10, 2021

SO ORDERED.



Paul G. Gardephe
United States District Judge